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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

BILLY PHELPS,)	1:09cv01925 AWI DLB
)	
)	
Plaintiffs,)	ORDER TO SHOW CAUSE
)	
vs.)	
)	
CHRISTAIN RAMOS, et al.,)	
)	
)	
Defendants.)	

On November 2, 2009, Plaintiff Billy Phelps (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed the instant action civil rights action pursuant to 42 U.S.C. § 1983.

On December 23, 2009, the Court issued Findings and Recommendation that Plaintiff’s state law claims for violation of the California Penal Code be dismissed without leave to amend. The Court also recommended that Plaintiff be given leave to amend his remaining claims for excessive force and malicious prosecution. The Findings and Recommendation ordered Plaintiff to file an amended complaint within thirty (30) days. More than thirty (30) days have passed and Plaintiff has not filed an amended complaint.

Therefore, Plaintiff is ORDERED TO SHOW CAUSE, if any he has, why the action should not be dismissed for failure to file an amended complaint. Plaintiff may comply with this order by filing an amended complaint.

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Accordingly, Plaintiff is ORDERED to file a response, or an amended complaint, within **thirty (30) days** of the date of this Order. Failure to do so will result in a recommendation that this action be dismissed for failure to follow the Court's orders.

IT IS SO ORDERED.

Dated: February 8, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE